

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY A. FIGEL,

Plaintiff,

File no: 2:05-CV-124

v.

HON. ROBERT HOLMES BELL

TIM LUOMA,

Defendant.

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**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Plaintiff's complaint is hereby **DISMISSED** because it is procedurally barred and because plaintiff's claims clearly lack merit.

IT IS FURTHER ORDERED that a certificate of appealability is denied. 28 U.S.C. §2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473 (2000).

Dated: August 12, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE